

Chapter 82

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***Cross references:** Advertising, ch. 6; businesses, ch. 22; traffic and vehicles, ch. 70.

State law references: Municipal authority to regulate rates of fare, routes and standing places of vehicles for hire, 30-A M.R.S.A. § 3009(1)(F); insurance for vehicles for hire, 29 M.R.S.A. § 831.

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ARTICLE I. IN GENERAL

Sec. 82-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disqualifying criminal conviction means and includes any conviction for any criminal offense which is, or any juvenile offense which, if committed by an adult is, punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but shall not include any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalence under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing under this chapter.

Motor buses means motor vehicles designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated seating capacity of 15 or more passengers.

Taxicab means a motor vehicle used for the conveyance of passengers for hire; provided, however, that nothing in this chapter shall be construed to apply to motor vehicles owned by undertakers and used for funeral services nor to motor vehicles for hire while being used for services at funerals or weddings, nor to motor buses as defined in this section.

(Code 1982, § 28-1)

Cross references: Definitions generally, § 1-2.

Secs. 82-2--82-25. Reserved.

ARTICLE II. TAXICABS*

***Cross references:** Restricted use of taxi zones, § 70-172.

DIVISION 1. GENERALLY

Sec. 82-26. Condition; doors required.

Every taxicab operated on the streets of the city shall be maintained in a clean and serviceable condition and in adequate repair. Each such taxicab shall have two doors affording direct entrance and exit to and from the passenger compartment. Clean and adequate repair shall mean and include without limitation, the following:

- (1) No visible tears in carpeting;
- (2) No dents larger than six inches in diameter;
- (3) No tears in seat upholstery;
- (4) No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger;
- (5) No missing trim or body work;

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- (6) No cracks in windshield or windows;
- (7) Seat belts for all passenger seats visible and in working order;
- (8) No missing hubcaps;
- (9) No visible primer paint; and
- (10) No rust greater than one inch in diameter.

(Code 1982, § 28-13; Ord. No. 00-3, 3-16-00)

Sec. 82-27. Markings.

Each taxicab shall bear on the outside letters not less than two inches, nor more than six inches in height, the name of the owner and, in addition, may bear an identifying design approved by the city clerk and the business telephone number of the owner; no other legend than the name of the owner, the approved design and the telephone number may be used on the door. Any name, legend or design proposed for use elsewhere on the taxicab shall be submitted to and approved by the city clerk before being so used.

Any vehicle that is no longer in service as a licensed taxicab shall have any markings distinguishing the vehicle as a taxicab removed.

(Code 1982, § 28-14; Ord. No. 07-05, 6-14-07)

Sec. 82-28. Reserved.

Sec. 82-29. Record of daily trips.

The owner of a licensed taxicab shall keep daily records of all trips made by such vehicle upon such form and in such manner as shall be approved by the city clerk, which record upon demand shall be open to inspection by the city clerk or any police officer.

(Code 1982, § 28-17)

Sec. 82-30. Number of passengers.

No driver shall permit more persons to be carried in a taxicab than the seating capacity of the cab. (Code 1982, § 28-18)

Sec. 82-31. Reserved.

Sec. 82-32. Receipts for fare charged.

Every driver, when requested by the passenger, shall give a receipt showing the owner's name, date and amount of fare charged, and shall sign such receipt.

(Code 1982, § 28-19)

Sec. 82-33. Consent of passenger required before adding others.

No driver of a taxicab shall carry any other person than the passenger first employing his taxicab without the consent of the first passenger. (Code 1982, § 28-20)

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Sec. 82-34. Rates and zones; publishing requirement.

- (a) The city clerk, finance director, and purchasing agent shall have the power to approve uniform schedules of rates and zones submitted by the taxicab operators subject to the approval of the council, which schedules of rates and zones shall be kept on file in the office of the city clerk.
- (b) In cases of dispute or disagreement between the taxicab operators in the matter of rates and zones, the city clerk shall submit the matter to the council, who shall have the power to fix and determine schedules of fares and define the limits of the zones for such fares, after notice and hearing.
- (c) Before any schedule of rates and zones, and any changes therein, shall become effective, the city clerk shall cause the same to be published in the daily newspapers published in the city at least one week before the same shall come into effect.

(Code 1982, § 28-21)

Sec. 82-35. Insurance, cancellation.

Should an insurance policy of any licensed taxi business in the city be canceled before its expiration date, the issuing company shall mail a 30-day written notice to the City of Lewiston. This notice should be sent to the chief of police and city clerk.

(Ord. No. 00-3, 3-16-00)

Secs. 82-36--82-45. Reserved.

DIVISION 2. LICENSES

Sec. 82-46. Required.

No person shall operate or cause to be operated a taxicab upon the streets of the city unless the taxicab and driver are licensed in accordance with the provisions of this article.

(Code 1982, § 28-27)

Sec. 82-47. Application.

- (a) Applications for licenses required under this division shall be filed in accordance with chapter 22. In addition to the requirements of that chapter:

Taxicab business licenses:

- a. Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having actual ownership interests in the applicant. If the applicant is a corporation, the application shall state the name and address and the date and place of birth of each of the principal officers of the applicant and of every person having management authority in the business of the applicant. In all other cases, the application shall state the

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name and address and the date and place of birth of every person having an actual ownership interest or having management authority in the business of the applicant.

- b. A record of any disqualifying criminal conviction or a statement that no such conviction exists shall be provided.
- c. The make, type, year, serial number and license plate number of each vehicle for which a taxicab business license is sought and the address of the garage or other terminal at which the vehicle will be stationed when not in service shall be stated.
- d. A detailed description of the graphic design, insignia, working and coloring which will appear upon the vehicle, if licensed, shall be included.
- e. The application shall contain an appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the clerk.

(Code 1982, § 28-28, Ord. No. 22-07, 5-5-22)

Sec. 82-48. Standards for denial.

In addition to those standards set forth in chapter 22, a license under this division shall be denied to the following persons:

Taxicab business licenses.

- a. A corporation which is not licensed to do business in the state;
- b. An applicant other than the registered owner of the vehicle;
- c. A corporation if any principal officer thereof or any person having actual ownership interest therein has a disqualifying criminal conviction;
- d. An applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction;
- e. Any applicant whose taxicab business license has been revoked within the three years preceding the application; and
- f. Any applicant, if any person whose taxicab license has been revoked within the three years preceding the application, and who was a principal of any corporation whose taxicab business license has been revoked within the three years preceding the application, is or will be substantially involved in the ownership or management of the business.

The clerk shall make and keep a written record of every decision to deny an application for a taxicab business license in the manner required by 1 M.R.S.A. § 401 et seq.

(Code 1982, § 28-29; Ord. No. 04-03, 3-18-04; Ord. No. 06-01, 3-9-06; Ord. No. 07-05, 6-14-07; Ord. No. 07-06, 7-5-07; Ord. No. 07-07, 9-13-07, Ord. No. 22-07, 5-5-22)

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Sec. 82-49. Reserved.

Sec. 82-50. Expiration and application dates.

Licenses for taxicabs shall expire on the last day of February following the date of issuance.
(Code 1982, § 28-35)

Sec. 82-51. Nontransferable.

No taxicab license provided for in this division shall be assigned or transferred without first obtaining the consent and approval of the city clerk. (Code 1982, § 28-36)

Sec. 82-52. Surrender of license when relinquishing ownership.

Any licensee who shall cease to be the owner of a taxicab shall at once surrender his license to the city clerk. (Code 1982, § 28-37)

Sec. 82-53. City clerk's power to suspend.

- (a) *Business license.* In addition to the grounds for suspension or revocation of licenses set forth in chapter 22, a taxicab business license may be suspended or revoked upon a determination that the licensee:
- (1) Knowingly took a longer route to his destination than was necessary, unless so requested by the passenger;
 - (2) Knowingly conveyed any passenger to a place other than that which the passenger specified;
 - (3) Transported any person other than the passenger first engaging the taxicab without the express consent of such passenger;
 - (4) Drove a taxicab when not clean and neat in appearance;
 - (5) Refused to transport any orderly person upon request unless, in the case of a single taxicab business, the taxicab is engaged, or in the case of a taxicab business operating more than one taxicab, all taxicabs operated by such business and then in service are engaged. If no taxicab is available at the time when a request for taxicab service is telephoned to a dispatch service, the dispatch service shall arrange with the caller for transportation by the next available taxicab using such dispatch service unless the caller expressly declines to make such arrangement;
 - (6) Charged more than the maximum fare specified in this article;
 - (7) Failed to notify the clerk of any change of any material fact set forth in the application for such license; or
- (b) *Taxicab business licenses.* In addition to the provisions of subsection (a) of this section, taxicab business licenses shall be subject to suspension or revocation where it is determined that there have been repeated violations by the driver or drivers thereof which resulted in four or more suspensions for similar conduct by the same driver, or eight or more suspensions by employees of the same person holding more than one taxicab business license for similar conduct, establishing a pattern of conduct by the holder of the taxicab business licenses.

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Notwithstanding the foregoing provisions of this section, a taxicab business may be suspended or revoked if a licensee used, or allowed another to use, a taxicab in connection with, or to promote or solicit for, any unlawful business or activity.

(Code 1982, § 28-38; Ord. No. 06-01, 3-9-06, Ord. No. 22-07, 5-5-22)

Sec. 82-54. Reserved.

Sec. 82-55. City council's power to revoke.

The city council may, after notice and hearing, revoke the taxicab license of any person upon complaint filed by the city clerk. (Code 1982, § 28-40)

Sec. 82-56. Effect on operator after suspension or revocation.

The person whose taxicab license has been suspended or revoked shall forthwith cease to operate taxicabs, and the city clerk shall order that any taxicab which is being operated by any person whose license has been suspended or revoked be removed from service forthwith.

(Code 1982, § 28-41)

Sec. 82-57. Notification of address change required.

When a licensed taxicab owner changes his business address or his residence address, or the place at which a taxicab owned by him is garaged, he shall, within 24 hours of such change, notify the city clerk. (Code 1982, § 28-42)

Secs. 82-58--82-80. Reserved.

ARTICLE III. BUSES

Sec. 82-81. Applicability.

The provisions of this article are hereby established for the due regulation of the motor buses used for the conveyance of passengers in the streets of the city and shall be observed by the officers, agents and servants of the corporation or companies owning and operating such buses.

(Code 1982, § 28-68)

Sec. 82-82. Stopping on crosswalks or at intersections.

- (a) No bus shall be allowed to stop on a crosswalk, nor in front of an intersecting street, except to avoid collision or to prevent damage or injury to persons in the street.
- (b) When the driver of any bus is required to stop at the intersection of two streets to receive or land passengers, the bus shall be stopped so as to leave the entrance slightly over the further crossing.

(Code 1982, §§ 28-69, 28-70)

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Sec. 82-83. Entering and leaving bus.

Drivers shall not allow any person to enter or leave the bus while in motion.

(Code 1982, § 28-71)

Sec. 82-84. Procedure for taking on and letting off passengers.

All motor buses shall, except in an emergency, pull over to the right-hand curb of the street when taking on or discharging passengers.

(Code 1982, § 28-72)

Sec. 82-85. Stopping restricted to designated areas, exception.

No motor bus shall, except in an emergency, stop to pick up or discharge passengers except in a regularly designated bus stop. (Code 1982, § 28-73)